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2 which the defendant took Guo Bang Liu at
3 gunpoint, drove him around the county, finally
4 dropping him off in Kings County.

5 People would ask for a sentence of eight
6 and a third to 25 years with regard to that
7 count, which is the maximum sentence.

8 The sexual abuse counts, which defendant
9 was convicted on in the first degree with the
10 two women, in which prior to the rape the
11 defendant, using threats and force and at
12 gunpoint put his hands on the breasts of both
13 women. That would be a Class D felony.

14 People would ask for two and a third to
15 seven, which is the maximum sentence, to run
16 consecutive to each other and to the A-1
17 kidnappings and the rapes.

18 With regard to criminal possession of a
19 weapon in the second degree, which is a Class
20 C felony, in which the defendant, during the
21 course of the rapes, during the course of the
22 kidnappings, during the course of the
23 terrorization of these women, in fact, had an
24 armed and operable handgun. And during the
25 course of time when he was making threats to

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2 the family to kill them.

3 The People would ask for a sentence of
4 five to 15 years, which is the maximum
5 sentence that the law can impose, consecutive
6 to the kidnappings in the first degrees,
7 consecutive to the rapes, consecutive to the
8 sexual abuse.

9 Your Honor, basically the People are
10 asking this Court to sentence the defendant on
11 consecutive counts to the maximum on each and
12 every count. And we do that based upon the
13 facts that this Court learned during the
14 course of this trial.

15 The defendant's acts were terrorization,
16 heinous, he repeatedly raped these women, with
17 a co-defendant. Based upon all those factors,
18 the defendant should not receive any break
19 before this Court, whatsoever, and should
20 receive the maximum sentence of I believe the
21 total being eighty-four-and-two-thirds to
22 Life.

23 THE COURT: Do you want to be heard,
24 Mr. Schechter?

25 MR. SCHECHTER: Do I go first or does my

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2 client go first?

3 THE COURT: Either one of you.

4 MR. SCHECHTER: Do you want to make a
5 statement?

6 THE COURT: Do you want to make a
7 statement, Mr. Zheng?

8 THE DEFENDANT: Could I talk to my lawyer
9 first?

10 THE COURT: Yes.

11 (Whereupon, there was a pause in the
12 proceedings.)

13 THE COURT: Go ahead.

14 THE DEFENDANT: Well, last time when the
15 jury find me guilty they didn't explain why
16 I'm guilty, on what basis they feel I'm
17 guilty. So could I ask them to explain on
18 what basis they convicted me?

19 THE COURT: Is that his statement?

20 THE DEFENDANT: This is one reason.
21 Another reason is that during the jury
22 selection, my cases involving with sexual sort
23 of conduct, so after the second day after the
24 jury selection I just demanded that the juror
25 will be half male, half female.

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2 So I just want to listen to the
3 explanation for the conviction.

4 THE COURT: The jury does not have to give
5 an explanation.

6 THE DEFENDANT: Because none of us here
7 know how they find me guilty.

8 THE COURT: Is that your statement?

9 THE DEFENDANT: Yes. On the second day
10 after I testified, I really want to tell the
11 jury some of my things. And I talked to you,
12 you said, well, some of those things I should
13 keep to myself. So I feel it's great regret
14 because I didn't speak to what I want to say.
15 So I feel it's unfavor.

16 THE COURT: Thank you.

17 Mr. Schechter, do you have anything to
18 say?

19 MR. SCHECHTER: Your Honor, I don't want to
20 get into the facts of the case because your
21 Honor has heard the facts.

22 But I would note, your Honor, defendant is
23 28 years of age, he has no prior criminal
24 convictions, your Honor. He was born in China
25 and came here approximately three years ago

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2 illegally and he was charged \$30,000 to come
3 here. And as it came out during the trial,
4 your Honor, he still owes a lot of money to
5 the person who made him do that.

6 Obviously that was brought out to the
7 jury; your Honor did not feel that defense was
8 appropriate. But I would ask that your Honor
9 take that into consideration in sentencing.

10 He is one of two children; the other child
11 died while very young, when he was only five
12 or six, your Honor. He was raised by his
13 parents and came here hopefully to make money
14 and send it back to China so his parents would
15 end up coming here or having a better life in
16 China, your Honor.

17 I would note that the probation report
18 does say that he was cooperative during the
19 interview, your Honor, and as such, your
20 Honor, the defendant denies, denied to
21 probation, like he did while he was on the
22 witness stand, that that was his intent,
23 kidnapping, terrorizing, and he denies raping
24 the females.

25 Your Honor, what I believe here, this was

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2 part and parcel of one complete incident.

3 This was not a separate and distinct incident,
4 and I would ask your Honor, when you do
5 sentence him, you sentence him to concurrent
6 time.

7 Due to the fact this is not separate and
8 distinct, this is really one incident, and as
9 such, your Honor, he should not be given
10 consecutive time, your Honor.

11 Especially, Mr. Kessler was saying-- I
12 believe the sexual abuse counts, your Honor,
13 would be part and parcel of the rape counts
14 and should not be consecutive time, but I
15 believe everything should be concurrently run
16 together.

17 THE COURT: This is a case, a situation
18 which is a horrendous situation. Apparently
19 this gentleman came to this country illegally
20 at a charge of \$30,000 for the person that got
21 him into this county illegally.

22 In order to apparently work off that fee
23 that he owes to this person for getting him
24 into this country illegally, he agreed to
25 participate in this kidnapping, which he was

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2 convicted for.

3 He shows no remorse, continues-- although
4 by his own testimony he is involved in the
5 kidnapping, he shows no remorse for what he
6 did and he still maintains that he should not
7 be found guilty.

8 Now, defendant is an illegal alien, he has
9 very little education, very sporadic
10 employment history and, of course,
11 incarceration is mandatory.

12 And we also have to take into account the
13 lasting effects that this is likely to have
14 upon the victims. These victims were innocent
15 victims. They didn't even intend to kidnap
16 these people, they had intended to kidnap
17 other people and then charge them ransom to
18 work off his fee for being an illegal alien,
19 getting to this country illegally.

20 This is very pervasive, and we have to put
21 a stop to this. And in considering the impact
22 on the victims and the horrendous nature, the
23 heinous nature of this crime, I'm going to
24 sentence the defendant as follows:

25 Under Indictment 3282 of '95, the

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defendant Hai Guang Zheng is hereby sentenced to the custody of the New York State Department of Correctional Services for the following period of time:

For the crime of kidnapping in the first degree, under count one of the indictment, the defendant shall serve an indeterminate term of imprisonment, the minimum of which shall be 25 years, the maximum of which shall be Life.

For the crime of kidnapping in the first degree, under count two of the indictment, the defendant shall serve an indeterminate term of imprisonment, the minimum of which shall be 25 years, the maximum of which shall be Life.

For the crime of kidnapping in the first degree, under count five in the indictment, the defendant shall serve an indeterminate term of imprisonment, the minimum of which shall be 25 years, the maximum of which shall be Life.

For the crime of kidnapping in the first degree, under count six, the defendant shall serve an indeterminate term of imprisonment, the minimum of which shall be 25 years, the

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maximum of which shall be Life.

For the crime of rape in the first degree, under count seven in the indictment, the defendant shall serve an indeterminate term of imprisonment, the minimum of which shall be eight and a third years, the maximum of which shall be 25 years.

For the crime of rape in the third degree, under count eight of the indictment, the defendant shall serve an indeterminate term of imprisonment, the minimum of which shall be eight and a third years, the maximum of which shall be 25 years.

For the crime of kidnapping in the second degree, under count nine of the indictment, the defendant shall serve an indeterminate term of imprisonment, the minimum of which shall be eight and a third years, the maximum of which shall be 25 years.

For the crime of sexual abuse in the first degree, under count ten of the indictment, the defendant shall serve an indeterminate term of imprisonment, the minimum of which shall be two and a third years, the maximum of which

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2 shall be seven years.

3 For the crime of sexual abuse in the first
4 degree, under count 11 in the indictment, the
5 defendant shall serve an indeterminate term of
6 imprisonment, the minimum of which shall be
7 two and a third years, the maximum of which
8 shall be seven years.

9 For the crime of criminal possession of a
10 weapon in the second degree, under count 12 of
11 the indictment, the defendant shall serve an
12 indeterminate term of imprisonment, the
13 minimum of which shall be five years, the
14 maximum of which shall be 15 years.

15 All these terms are to run consecutively,
16 except for the kidnapping in the first degree,
17 count five, and the kidnapping in the first
18 degree, count six, which shall run
19 concurrently with the previously mentioned
20 sentences.

21 COURT CLERK: Sir, as a condition of this
22 sentence you're also subject to a mandatory
23 surcharge of \$150 and a \$5 victim crime fee.

24 Also, you have a right to appeal to the
25 Appellate Division, Second Department, within


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thirty days and, in addition, upon proof of your financial inability to retain counsel and to pay the cost and expenses of the appeal, you have the right to apply to the Appellate Division, Second Department, for the assignment of counsel and for leave to prosecute the appeal as a poor person and to dispense with printing.

The Appellate Division, Second Department, is located at 45 Monroe Place, Brooklyn, New York 11201.

All right, take him back.

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CERTIFIED TO BE A TRUE AND ACCURATE TRANSCRIPT OF THE
ORIGINAL STENOGRAPHIC MINUTES TAKEN OF THIS PROCEEDING.


KARYN S. GUTKIN
Senior Court Reporter